

NO. 24836

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

CLYDE S. ARAKAWA, Petitioner,

vs.

THE HONORABLE GAIL C. NAKATANI, in her official capacity
as Administrative Judge of the Criminal Division
of the Circuit Court of the First Circuit, and
STATE OF HAWAI'I, Respondents.

ORIGINAL PROCEEDING
(CR. NO. 01-1-0942)

ORDER

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon consideration of Petitioner Clyde Arakawa's application for a writ of mandamus, the papers in support, and the records and files herein, it appears that: (1) Petitioner fails to demonstrate that he is entitled to a writ of mandamus; and (2) Petitioner will have a remedy by way of appeal if he is convicted of the charged offense. Therefore,

IT IS HEREBY ORDERED that the application for a writ of mandamus is denied without prejudice to any remedy Petitioner may have by way of appeal.

DATED: Honolulu, Hawai'i, January 30, 2002.